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APPLICATION NO.	F	TLING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/660,653		09/12/2003	Toshiki Taguchi	Q77476 7569		
23373	7590	12/28/2004		EXAMINER		
SUGHRUE	,		SHAH, MANISH S			
2100 PENNSYLVANIA AVENUE, N.W. SUITE 800				ART UNIT	PAPER NUMBER	
WASHING	WASHINGTON, DC 20037				2853	
				DATE MAILED, 12/29/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exemises of time may be available under the provision of 3 CPE1.13(s). In no event, however, may a reply be timely fried Exemised from may be available under the provision of 3 CPE1.13(s). In no event, however, may a reply be timely fried Exemised from may be available under the provision of 3 CPE1.13(s). In no event, however, may a reply be timely fried Exemised from may be available under the provision of 3 CPE1.13(s). In no event, however, may a reply be timely fried I the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of biting (30) days will be considered friendly. Fill Depried for reply specified above is less than thirty (30) days, a reply within the statutory minimum of biting (30) days will be considered friendly. Fill Depried for reply specified above is less than thirty (30) days and the provision of the control of	ig-	Application No.	Applicant(s)						
Manish S. Shah 2833		10/660,653	TAGUCHI ET AL.						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estanciance time may be available under the provision of 37 CFR 1.13(a), in no event, however, may a reply be timely filed Estanciance time may be available under the provision of 37 CFR 1.13(a), in no event, however, may a reply be timely filed Estanciance time may be available under the provision of 37 CFR 1.13(a), in no event, however, may a reply be timely filed Estanciance time may be available under the provision of 37 CFR 1.13(a), in no event, however, may a reply be timely filed Estanciance time and the provision of the provision of 37 CFR 1.73(a). Estanciance timely be seed the stanched prior time the mailing date of this communication of the provision of the provision of the provision of the provision of the mailing date of this communication. Failure to reply which the set or extended prior timely will, by adultin, cause the application is the mailing date of this communication. Failure to reply which the set or extended prior timely will, by adultin, cause the application is the extended addition. Provision of the provision of th	Office Action Summary	Examiner	Art Unit	ر ۵					
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-10 & 21, drawn to a sheet for inkjet recording & a method of inkjet recording using the sheet, classified in class 347, subclass 105.
 - II. Claims 11-20 & 22-23, drawn to an ink for ink jet recording & a method of inkjet recording using the ink, classified in class 347, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the invention I is a sheet for inkjet recording medium and invention II is an ink for inkjet recording, both the invention are totally different.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. During a telephone conversation with Mr. Raul Tamayo on 12/22/2004 a provisional election was made without traverse to prosecute the invention of group I,

claims 1-10 & 21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-20 & 22-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 7. Claims 1-10 & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sismondi et al. (# EP 1080936).

Sismondi et al. a sheet for ink jet recording, including: a support ([0024]); and a coloring material-receiving layer ([0030]) containing a mordant ([0042]) and a compound represented by the formula: $(R_k)_p$ -N- $[L_m$ - $(COOM_n)_q]_r$ or R-N-(L-COOM)2; wherein R represents an alkyl group, an aryl group or a heterocyclic group; when a plural number of Rs are present, the plurality of Rs may be the same or different; at least two of a

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plurality R's may be linked with each other to form a cyclic structure; L represents divalent or higher linking group; M represents a hydrogen atom, an alkali metal cation, an ammonium ion, an organic amine cation, or a negative ion sign; q and r each represents an integer of 1 or more; k and m each represents 0 or an integer of 1 or more; n represents an integer of 1 or more; p represents 0 or an integer of 1 or more; (p+r) is 3 or 4, and when (p+r) is 4, the N atom represents a quaternary ammonium cation and one of the M's represents a negative ion sign; and at least one of R and L in the formula contains a hydrocarbon group having 8 or more carbon atoms ([0047]-[0052]). They also disclose that the receiving layer further contains a water-soluble resin, which is selected from polyvinyl alcohol and gelatins ([0031]-[0032]); and a fine particle, which is selected from the group including of silica, colloidal silica and alumina ([0038]). They also disclose that the ink-receiving layer further contains a crosslinking agent, which is boron compound ([0041]). They also disclose the inkjet recording method including recording an image by using the recording sheet (see Examples).

8. Claims 1-10 & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Malhotra et al. (# US 5500668).

Malhotra et al. a sheet for ink jet recording, including: a support ([0024]); and a coloring material-receiving layer (see Abstract; column: 18, line: 50-65) containing a mordant (column: 11, line: 25-60) and a compound represented by the formula: $(R_k)_p$ -N-[L_m- (COOM_n)_q]_r or R-N-(L-COOM)₂; wherein R represents an alkyl group, an aryl group or a heterocyclic group; when a plural number of Rs are present, the plurality of Rs may

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be the same or different; at least two of a plurality R's may be linked with each other to form a cyclic structure; L represents divalent or higher linking group; M represents a hydrogen atom, an alkali metal cation, an ammonium ion, an organic amine cation, or a negative ion sign; q and r each represents an integer of 1 or more; k and m each represents 0 or an integer of 1 or more; n represents an integer of 1 or more; p represents 0 or an integer of 1 or more; (p+r) is 3 or 4, and when (p+r) is 4, the N atom represents a quaternary ammonium cation and one of the M's represents a negative ion sign; and at least one of R and L in the formula contains a hydrocarbon group having 8 or more carbon atoms (column: 15, line: 15-65; column: 16, line: 1-60). They also disclose that the receiving layer further contains a water-soluble resin, which is selected from polyvinyl alcohol and gelatins (column: 18, line: 53-65); and a fine particle, which is selected from the group including of silica, colloidal silica and alumina (column: 24, line: 40-60). They also disclose that the ink-receiving layer further contains a crosslinking agent, which is boron compound (column: 25, line: 1-15). They also disclose the inkjet recording method including recording an image by using the recording sheet (see Examples).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's. supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Manish S. Shah Primary Examiner Art Unit 2853

MSS 12/23/04